

**MINUTES**  
**REGULAR MEETING OF THE CITY COUNCIL**  
**CITY OF MEMPHIS**  
**January 26, 2010**

**3:30 P.M. SCHEDULED SESSION**

**3:30 P.M. MEETING COMMENCED**

**ROLL CALL:** William Boyd, Joe Brown, Kemp Conrad, Shea Flinn, Edmund Ford, Jr., Janis Fullilove, Wanda Halbert, Reid Hedgepeth, Myron Lowery, Bill Morrison, Jim Strickland, Barbara Swearengen Ware and Chairman Harold Collins.

**THE MEETING WAS CALLED TO ORDER  
BY SERGEANT-AT-ARMS**

**INVOCATION**

The meeting was opened with prayer by Rabbi Joel Finkelstein from Anshei Sphard Beth-el Emeth Congregation. Councilman Boyd presented Rabbi Finkelstein with a certificate naming him Chaplain of day.

These minutes record the agenda items and the action taken by the Council on such items. The full text of the original of the ordinances, resolutions and supporting documents, including an audio recording of Council's deliberations are filed and maintained in the office of Council Records/Records Management, Room 2B-08. The original ordinances and/or resolutions adopted by the Council shall control in the event of any conflict between the description in these minutes and the original documents, ordinances and/or resolutions.

**(Councilman Conrad made a motion to pull item #27(Special Item#1 – MCS Funding) from the Minutes of 01/12/2010 without objection and Councilman Boyd made a motion to pull Item #8 – Ord.# 5340 from the Minutes of 01/12/2010 without objection).**

**MINUTES**

Approval of the Minutes of the regular meeting of January 12, 2010 with the following motion:

MOTION: Ford  
SECOND: Boyd  
AYES: Boyd, Conrad, Ford, Fullilove, Lowery, Strickland, Ware and Chairman Collins  
NAY: Brown  
Flinn, Halbert, Hedgepeth and Morrison did not cast a vote

**APPROVED**, as amended

7. **RESOLUTION APPROVING A USE VARIANCE LOCATED ON THE NORTHWEST CORNER OF LAMAR AVENUE AND CENTRAL AVENUE, CONTAINING 2.1 ACRES IN THE HIGHWAY COMMERCIAL (C-H) DISTRICT.**

Case No. UV 09-05

Held until February 9, 2010

13. **ORDINANCE REZONING THE NORTHWEST CORNER OF NORTH BELLEVUE AND SMITH AVENUE, CONTAINING 0.26(11,325.60 SQ. FT.) IN THE LOCAL COMMERCIAL (C-L) DISTRICT, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5342

Case No. Z 09-107

Held until February 23, 2010

25. **ORDINANCE TO AMEND CABLE FRANCHISE ORDINANCE NO. 4159, EXTENDING THE FRANCHISE ORDINANCE AS AMENDED, UP FOR T H I R D AND F I N A L READING. (HELD FROM 12/1; 12/15)**

Ordinance No. 5331

Held until February 23, 2010

1. **RESOLUTION HONORING WILES-SMITH DRUGSTORE.**

MOTION: Fullilove  
SECOND: Flinn

**APPROVED**, unanimous voice vote

2. **RESOLUTION HONORING THE MISSION OF FRIENDS FOR LIFE AND THE POSITIVE IMPACT IT HAS ON THOSE LIVING WITH HIV/AIDS. (HELD FROM 1/12)**

MOTION: Fullilove  
SECOND: Flinn

**APPROVED**, unanimous voice vote

4. **RESOLUTION COMMENDING THE WHITE STATION HIGH SCHOOL SPARTANS FOOTBALL TEAM AND COACHES ON THEIR OUTSTANDING 2009 SEASON, WHEREIN THE SPARTANS WON BOTH THE DISTRICT 16 AAA AND CLASS 6A STATE TSSAA CHAMPIONSHIPS.**

MOTION: Fullilove  
SECOND: Strickland

**APPROVED**, unanimous voice vote

**(Special Item #1 – Councilman Conrad made a motion to reconsider Item #27 –MCS Funding, from the Minutes of January 12, 2010 Meeting)**

MOTION: Conrad  
SECOND: Boyd  
AYES: Boyd, Brown, Conrad, Flinn, Fullilove, Hedgepeth, Morrison, Strickland, Ware and Chairman Collins  
NAY: Lowery  
Ford and Halbert did not cast a vote

**(Reconsideration Approved)**

Chairman Collins recognized the following people who spoke from the audience:

Sylvia Loyd-Chism, 361 W. Holmes Rd., Memphis, TN. 38109  
Rosemary Winters, 1253 S. Boxdale, Memphis, TN. 38114  
Ryan Tracy, 1327 E. Island Place, Memphis, TN. 38103  
Michael Arcamuzi, 2072 Kirby Rd., Memphis, TN. 38119  
Charles Scott, 3689 Huckleberry St., Memphis, TN. 38116  
Yvonne Acey, 5340 Norma Drive, Memphis, TN. 38109

**(Special Item #2 – Councilman Conrad made a motion to take \$35,000,000.00 from Reserves, and require the Administration to cut budgets by \$15,000,000.00. Councilman Brown offered a Friendly Amendment to Conrad’s motion, to take \$50,000,000.00 from the Reserves, but Councilman Conrad did not accept Brown’s Friendly Amendment).**

MOTION: Conrad  
SECOND: Flinn  
AYES: Brown, Conrad and Flinn  
NAYS: Boyd, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman Collins  
Ford abstained

**(Special Item #2 – Councilman Conrad’s motion, FAILED)****(Special Item #3 – Councilwoman Ware made a motion to suspend the rules for the purpose of voting on a 18 cent Property Tax Increase and take \$32,000,000.00 from the Reserves for the MCS Funding).**

MOTION: Ware  
SECOND: Fullilove  
AYES: Fullilove and Ware  
NAYS: Boyd, Brown, Conrad, Flinn, Ford, Halbert, Hedgepeth, Lowery, Morrison, Strickland and Chairman Collins

**(Special Item #3 – Councilwoman Wares’ motion, FAILED)****(Special Item #4 – Councilman Hedgepeth made a motion to take \$28,000,000.00 from Reserves, Cut budgets by \$10,000,000.00 and for the School Board to apply an Energy Modification Loan in the amount of \$12,000,000.00)**

MOTION: Hedgepeth  
SECOND: Boyd  
AYES: Boyd, Conrad, Flinn, Halbert, Hedgepeth, Morrison and Chairman Collins  
NAYS: Brown, Fullilove, Lowery, Strickland and Ware  
Ford abstained

**(Special Item #4 – Councilman Hedgepeth’s motion, PASSED)****(The meeting recessed at 5:15 p.m. and reconvened at 5:25 p.m.)****5. RESOLUTION APPROVING AN APPEAL LOCATED ON THE WEST TERMINUS OF FAIRWAY AVENUE, 1,300 FEET WEST OF HORN LAKE ROAD.**

Case No. S 09-012

**Chairman Collins recognized the following people who spoke from the audience:**

Geneva Burns, 3010 Rochester Rd., Memphis, TN. 38109  
Robert Gurley, 761 Ranger Avenue, Memphis, TN. 38109  
Gregory Stokes, 72 Brooks, Rd., Memphis, TN. 38109

Applicant/Appellant: Southern Housing Company

Request: Overturn the decision of the Land Use Control Board on November 12, 2009  
which rejected a subdivision plan for 156 lots for single family homes

LUCB recommendation: REJECTION

OPD recommendation: APPROVAL

MOTION: Ford  
SECOND: Ware  
AYE: Lowery  
NAYS: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Morrison,  
Strickland, Ware and Chairman Collins

**FAILED**

6. **RESOLUTION APPROVING AN APPEAL LOCATED ON THE EAST SIDE OF OLD GETWELL ROAD, 256 FEET SOUTH OF PREMIER AVENUE.**

Case No. S 09-013

Applicant/Appellant: Ronald Anglin

Request: Overturn the decision of the Land Use Control Board on November 12, 2009 which requires the applicant to install curb, gutter, sidewalk and landscaping on the Old Getwell Road frontage of the proposed subdivision and install sidewalk on the New Getwell Road frontage of the proposed subdivision

LUCB and OPD recommendation: Deny a variance to the improvements

MOTION: Ford  
SECOND: Ware  
AYES: Boyd, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Strickland, Ware and Chairman Collins  
Brown, Conrad and Morrison did not cast a vote

**APPROVED**

8. **RESOLUTION APPROVING A USE VARIANCE LOCATED ON THE SOUTH SIDE OF FAXON AVENUE; +/-472.60 FEET EAST OF NATIONAL STREET, CONTAINING 0.229 ACRE IN THE DUPLEX RESIDENTIAL (R-D) DISTRICT. (HELD FROM 1/12)**

Case No. UV 09-06

Chairman Collins recognized the following people who spoke from the audience:

Terry C. Neuenschwander, 3432 Summer Avenue, Memphis, TN. 38122  
Tim Dacus, 3447 Faxon, Memphis, TN. 38122  
Barbara Sax, 3451 Faxon St., Memphis, TN. 38122  
Dorothy Sparrow, 249 N. White Station, Memphis, TN. 38117

Applicant: Mid-South Outlet Store/Dee Bradford, Terry Neuenschwander  
Bill Fuller – Representative

Request: A use variance for a new parking lot to serve 3432 Summer Ave.

LUCB and OPD recommendation: REJECTION

MOTION: Ford

SECOND: Ware

AYES: Fullilove, Hedgepeth and Ware

NAYS: Boyd, Brown, Conrad, Flinn, Ford, Halbert, Lowery, Morrison, Strickland and Chairman Collins

**FAILED**

9. **RESOLUTION APPROVING A HOTEL WAIVER FOR REAL VALUE INN LOCATED AT 3896 LAMAR.**

Case No. HMW 09-05

Held until February 9, 2010

10. **RESOLUTION APPROVING A SPECIAL USE PERMIT LOCATED ON THE NORTH SIDE OF RAINES ROAD; +330 FEET EAST OF OPPORTUNITY ROAD INTERSECTION, CONTAINING 15.6 ACRES IN THE HEAVY INDUSTRIAL (I-H) DISTRICT.**

Case No. SUP 09-216

Applicant: Roy and Doris Heath, d/b/a R & D Enterprises  
Lorenzo Lester - Representative

Request: Cemetery

LUCB and OPD recommendation: APPROVAL, with conditions

MOTION: Ford

SECOND: Fullilove

AYES: Boyd, Brown, Ford, Fullilove, Halbert, Hedgepeth, Morrison, Ware and Chairman Collins

Conrad, Flinn, Lowery and Strickland did not cast a vote

**APPROVED**

11. **RESOLUTION DIRECTING THE OFFICE OF PLANNING AND DEVELOPMENT TO WORK WITH THE MEMPHIS REGIONAL DESIGN CENTER AND MIDTOWN DEVELOPMENT CORPORATION TO DEVELOP A MIDTOWN OVERLAY.**

MOTION: Flinn

SECOND: Ford

AYES: Boyd, Brown, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Ware and Chairman Collins

Conrad and Strickland did not cast a vote

**APPROVED**

12. **RESOLUTION DIRECTING THE OFFICE OF PLANNING AND DEVELOPMENT TO WORK WITH THE UNIVERSITY OF MEMPHIS AND THE SOUTH MEMPHIS RENAISSANCE COLLABORATIVE TO PRESENT THE SOUTH MEMPHIS PLAN FOR ADOPTION BY THE LAND USE CONTROL BOARD AND MEMPHIS CITY COUNCIL.**

MOTION: Fullilove

SECOND: Flinn

AYES; Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman Collins

**APPROVED****CONSENT AGENDA – Items #3 & #14 - #17 may be acted upon by one motion: SEE PAGE 1374 FOR ROLL CALL**

3. **RESOLUTION honoring the life of John Shelton Wilder. (Held from 1/12)**

**APPROVED**

14. **ORDINANCE TO AMEND THE CODE OF ETHICS ORDINANCE 5206, CHAPTER 2.5, ARTICLE I, SECTION 2-10-5 (1), UP FOR F I R S T READING.**

Ordinance No. 5344

**APPROVED**, on First reading

15. **RESOLUTION ACCEPTING LAMAR CROSSING P.D., PHASE 2, AREA A AND AUTHORIZING RELEASE OF BOND.**

Case No. PD 06-313  
(Contract No. CR-5090)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located at the corner of Lamar Avenue and Dunn. The standard improvement contract was approved on August 31, 2007. Resolution also authorizes the release of the performance bond in the amount of \$58,100.00.

City Engineer recommends approval

**APPROVED**

16. **NOTATION FROM LAND USE CONTROL BOARD THAT THE FOLLOWING CASE WAS HEARD AND RECOMMENDATION MADE REQUESTING A DATE OF PUBLIC HEARING:**

A. Case No. PD 09-326 – Memphis Business Academy P.D.

Public Hearing Set for February 9, 2010

17. **RESOLUTION COMMENDING ANAYA SUGGS WHOSE HEROIC ACTIONS SAVED THE LIVES OF HER FAMILY MEMBERS. (HELD FROM 1/12)**

**APPROVED**

**ROLL CALL CONSENT ITEMS**

MOTION: Ford  
 SECOND: Strickland  
 AYES: Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison,  
 Strickland, Ware and Chairman Collins  
 Boyd did not cast a vote

**APPROVED**

**MLGW FISCAL CONSENT – Items #18 - #22 may be acted upon by one motion:**

18. **RESOLUTION AWARDDING 24-MONTH CONTRACTS FOR ELECTRIC METERS AS FOLLOWS: (HELD FROM 1/12)**

Landis & Gyr c/o Stuart C. Irby.....	\$773,160.00
H D Supply Company.....	278,375.00
Total.....	<u>\$1,051,535.00</u>

**APPROVED**

19. **RESOLUTION APPROVING CHANGE NO. 4 TO CONTRACT NO. 10985, MASTER LEASE AGREEMENT, WITH SKILLSOFT CORPORATION IN THE FUNDED AMOUNT OF \$11,529.72, FOR A NEW CONTRACT VALUE OF \$174,635.97. (THIS PROVIDES MLGW WITH A LIBRARY LICENSE FOR BUSINESS COURSEWARE COLLECTION WITH AN AUDIENCE SIZE OF 150 EMPLOYEES COVERING THE PERIOD JANUARY 31, 2010 TO JANUARY 30, 2011 AND COVERS A CHANGE IN THE COURSE CURRICULUM OFFERED BY SKILLSOFT TO TRAIN MLGW EMPLOYEES FOR VARIOUS WORK-RELATED TASKS).**

**APPROVED**



20. **RESOLUTION AWARDING 48-MONTH CONTRACT FOR THE RENTAL OF COPY MACHINES TO RJ YOUNG COMPANY IN THE AMOUNT OF \$612,948.00.**

**APPROVED**

21. **RESOLUTION EXTENDING CONTRACTS WITH NOVACOPY AND THE OFFICE PRODUCTS STORE C/O KONICA MINOLTA BUSINESS SOLUTIONS TO MARCH 1, 2010 FOR THE RENTAL OF COPY MACHINES AND RATIFYING EXPENDITURE OF FUNDS IN THE AMOUNT OF \$12,877.39 SINCE THE EXPIRATION OF THESE CONTRACTS ON AUGUST 10, 2009.**

**APPROVED**

22. **RESOLUTION AWARDING CONTRACT FOR LUMINAIRE PENDANTS TO INDUSTRIAL SALES COMPANY IN THE AMOUNT OF \$69,220.80.**

**APPROVED**

**MLGW ROLL CALL CONSENT ITEMS**

MOTION: Fullilove

SECOND: Ware

AYES: Boyd, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Morrison, Strickland, Ware and Chairman Collins  
Brown did not cast a vote

**APPROVED**

23. **APPOINTMENTS**

**MEMPHIS AREA TRANSIT AUTHORITY**

**REAPPOINTMENT**

FRED D. JOHNSON

**MEMPHIS AND SHELBY COUNTY CENTER CITY REVENUE FINANCE CORPORATION**

**APPOINTMENT**

CARLA PEACHER-RYAN

**MEMPHIS AND SHELBY COUNTY CROSS CONNECTION BOARD****APPOINTMENT**

ODELL JOHNSON, JR.

MOTION: Strickland

SECOND: Ford

AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Strickland,  
Ware and Chairman Collins  
Lowery and Morrison did not cast a vote

**APPROVED**

24. **ORDINANCE AMENDING CHAPTER 2, ARTICLE V, DIVISION 3, OF THE CODE OF ORDINANCES, TO ESTABLISH REQUIREMENTS FOR A CITY OF MEMPHIS FLEET AND EMPLOYEE TAKE HOME VEHICLES, UP FOR T H I R D AND F I N A L READING. (HELD FROM 8/4; 8/18; 9/1; 9/15; 12/1; 1/12)**

Ordinance No. 5323

Held until February 9, 2010

26. **TECHNICAL CORRECTION ORDINANCE FOR CLERICAL ERRORS ON ORDINANCES PREVIOUSLY PASSED AND SIGNED, BUT NOT YET CODIFIED AS FOLLOWS: ORDINANCE NO. 5223, SELL OF BEER OFF PREMISES, ORDINANCE NO. 5317, INSPECTION OF MOTOR VEHICLES AND ORDINANCE NO. 5327, BOARD OF ETHICS MEMBERSHIP REQUIREMENTS, UP FOR T H I R D AND F I N A L READING.**

Ordinance No. 5343

MOTION: Collins

SECOND: Strickland

AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery,  
Strickland, Ware and Chairman Collins  
Morrison did not cast a vote

**APPROVED**

27. **RESOLUTION APPROPRIATING \$45,011.60 FOR CIP PROJECT NUMBER IS01053,\ TREASURY SYSTEM UPGRADE, WHICH WAS APPROVED BY CITY COUNCIL IN THE FY2010 CIP BUDGET.**

MOTION: Conrad

SECOND: Ford

AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery,  
Strickland, Ware and Chairman Collins

Morrison did not cast a vote

**APPROVED**

28. **RESOLUTION TRANSFERRING \$32,787.00 FROM FY10 CAPITAL ACQUISITION #GS0210H TO #GS0210F FOR FUNDS NECESSARY TO PURCHASE A FUEL TRUCK. THERE IS NO CHANGE IN THE APPROVED BUDGET.**

MOTION: Hedgepeth

SECOND: Ford

AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Strickland, Ware and Chairman Collins  
Morrison did not cast a vote

**APPROVED**

29. **RESOLUTION TRANSFERRING AN ALLOCATION OF \$35,000.00 FROM CONTRACT CONSTRUCTION TO FURNITURE FIXTURES AND EQUIPMENT AND APPROPRIATING \$135,000.00 FOR FURNITURE FIXTURES AND EQUIPMENT WITH THE LOW COMPLYING BID FROM OFFICE SCAPES, INC., FOR THE POLICE ACADEMY RENOVATIONS, CIP PROJECT NUMBER PD01006, AS PART OF THE FY09 CAPITAL IMPROVEMENT PROGRAM, FUNDED BY G.O. BONDS GENERAL.**

MOTION: Lowery

SECOND: Boyd

AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Strickland, Ware and Chairman Collins  
Lowery and Morrison did not cast a vote

**APPROVED**

30. **RESOLUTION AMENDING THE FY 2010 CAPITAL IMPROVEMENT BUDGET BY TRANSFERRING AN ALLOCATION OF \$2,750,000.00 FUNDED BY G.O. BONDS (STORM WATER) FROM MAJOR DRAINAGE REHAB/REPLACE, PROJECT NUMBER ST03098, TO INFRASTRUCTURE REHAB FY09, PROJECT NUMBER ST03115, FOR REHAB OF STORM DRAINAGE INFRASTRUCTURE. RESOLUTION ALSO APPROPRIATES \$2,750,000.00 FUNDED BY G.O. BONDS (STORM WATER) FOR INFRASTRUCTURE REHAB FY09, PROJECT NUMBER ST03115, FOR A CONSTRUCTION CONTRACT WITH FERRELL PAVING, INC.**

MOTION: Hedgepeth

SECOND: Strickland

AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Hedgepeth, Lowery, Strickland, Ware and Chairman Collins  
Morrison did not cast a vote

**APPROVED**

31. **RESOLUTION BY THE MEMPHIS CITY COUNCIL OF SHELBY COUNTY, TENNESSEE, REQUESTING THE SHELBY COUNTY DELEGATION TO SUPPORT, AND MEMBERS OF THE TENNESSEE GENERAL ASSEMBLY TO ENACT, LEGISLATION AS PROPOSED BY THE CITY OF MEMPHIS' LEGISLATIVE AGENDA 2010.**

MOTION: Strickland  
SECOND: Conrad  
AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Halbert, Lowery, Strickland, Ware and Chairman Collins  
Hedgepeth and Morrison did not cast a vote

**APPROVED**

32. **RESOLUTION AMENDING THE FY 2010 OPERATING BUDGET BY APPROPRIATING AN ADDITIONAL \$50,000.00 FOR THE TIRE REDEMPTION PROGRAM.**

Held until February 9, 2010

33. **RESOLUTION ENCOURAGING THE TENNESSEE GENERAL ASSEMBLY TO SUPPORT AND DESIGNATE FUNDING FOR THE MEMPHIS RESEARCH CONSORTIUM.**

MOTION: Strickland  
SECOND: Ford  
AYES: Boyd, Brown, Conrad, Flinn, Ford, Fullilove, Lowery, Strickland, Ware and Chairman Collins  
Halbert, Hedgepeth and Morrison

**APPROVED****(Special Item #5 –Same Night Minutes for Item #18 from tonight's meeting)**

MOTION: Fullilove  
SECOND: Strickland  
AYES: Boyd, Brown, Flinn, Ford, Fullilove, Lowery, Strickland, Ware and Chairman Collins  
Conrad, Halbert, Hedgepeth and Morrison did not cast a vote

**APPROVED**

**INTRODUCTION OF ITEMS ON MATTERS BY THE GENERAL PUBLIC:**

Chairman Collins recognized the following people who spoke from the audience:

Marlon Harvey, 4169 St. Elmore, Memphis, TN. 38128  
Tyrone Davis, 4102 Cafarge, Memphis, TN. 38128  
Jonquil Patterson, 927 Ledbetter, Memphis, TN. 38109  
Christana Brown, 1635 Cane Meadow Circle, #106, Memphis, TN. 38106  
Claudette Franklin, 2842 Durbarton Oaks Dr., Memphis, TN. 38127  
Eugene Caston, 1072 Coppock, Memphis, TN. 38107  
Deandre Brown, 4029 Frayser Raleigh Rd., Memphis, TN. 38128

**ADJOURNED MEETING AT 7:52 P.M.**

.....

Upon statement of the Chairman, without objection, the meeting was adjourned, subject to the call of the Chairman.

---

C H A I R M A N

Attest:

---

Deputy Comptroller/Council Records